

REMARKS

Claims 1, 3, 5-7, 9, 11, 12 and 17 were rejected as being anticipated by Hinchman, U.S. Patent No. 2,517,877. In order to formulate this rejection the Examiner has required that a *lock nut 32* be unseated from seat **15** to provide a loose fitting intermediate threads **12** and **30**. The Office Action appears to acknowledge that Hinchman does not teach this use when he states that: “While Hinchman may not have been intended to be used with lock nut **32** loosened, Hinchman is capable of performing the functional recitation.” MPEP § 2114 was cited, but in reviewing § 2114, this is not believed to be a proper application of § 2114. The next sentence in the case cited for the proposition utilized by the Office Action states: “The absence of a disclosure of prior art reference relating to function did not defeat the Board’s finding of anticipation of claim apparatus as limitations at issue are found to be inherent in the prior art reference.” In this case, the function of operating with the lock nut loosened is expressly taught away from in Hinchman. This situation is not believed to be a matter of the function not being disclosed, but expressly taught away from. Without the lock nut in position, during operation threads would appear to tend to work against each other until the lock nut **32** contacted the seat **15**.

Nevertheless, claim 1 has been amended to require that the cooperating surfaces be spaced apart in the second position. There is no teaching in Hinchman for the cooperating surfaces ever be spaced apart in any configuration. If they were spaced apart, then such spacing would render the Hinchman reference unworkable for its intended purpose as it would then fail to regulate. When modifying structure under § 214.01 of the MPEP, a *prima facie* case of obviousness cannot change the principal operation of a reference..

Finally, another limitation has been added to claim 1 related to the first and second positions of the applicant’s nozzle by describing the performance characteristics in the first and

second position being related to use with natural gas and propane. This limitation is believed to distinguish the “leak by” theory through the selective adaptation of Hinchman in a manner believed to be especially taught away from by that reference. The applicant utilizes the nozzle of claim 1 to switch between propane and natural gas applications principally in ranges (i.e., stoves). Of course, other gas operated appliances could utilize this nozzle in other ultimate end uses. Nevertheless, as affected by the amendment, the leak by theory of Hinchman if adopted expressly teaches away from this new claim limitation.

As it relates to claim 17, Applicant has amended the claim to require a terminal end of the adjustment member of the first non-adjustable selected orifice. The Applicant is also enclosing a definition of “end” from the dictionary.com. The “front engine” example of an automobile as articulated by the Office Action has no support in those definitions and is not what one skilled in the art would surmise. Furthermore, in light of all the prosecution history, no one would presume that an engine located about a third down the length of a car would be at a front end as claimed. The Examiner has used the word “terminal” and the applicant will adopt that description which is consistent with the drawings as originally provided. Furthermore, the limitation of a non-adjustable orifice was not addressed in the Office Action, although it has been addressed in previous Office Actions. Hinchman lacks this limitation at a terminal end as is now clarified.

Relating to claims 3 and 9, the crosshatching of conduit 7 was utilized for rationale to state that body member 8 indicates different materials. The Applicant would respectfully disagree. The Applicant believes the different crosshatching does not indicate different materials but instead indicates different components by using the same style cross hatching which would otherwise disappear into one another if provided in the same angular orientation. Nevertheless,

these claims depend from claim 1 directly or indirectly and can also stand or fall with that claim on a separate basis.

Claim 5 can stand or fall with the claim from which it depends.

Claim 6 can stand or fall with the claim from which it depends for the purpose of this response as can claims 7 and 12.

The Applicant has discussed similar rejections as it relates to claims 9 and 11 as it relates to claims 3 and 9 above.

Applicant appreciates the Examiner removing the initial rejection of claim 16 by Hinchman.

Obviousness Rejection of Claims 1, 3, 5-7, 9, 11, 12 and 17

Claims that were rejected as being anticipated Hinchman above have also been rejected as being unpatentable over Ridenour in view of Ito. This rejection is a reiteration of the rejection previously provided by the Examiner regarding Ridenour and Ito. The Applicant has amended claims 1 and 17 to require operation with combustible gases. There is no teaching or suggestion that the locking feature of Ito for a foam dispenser could provide a seal for combustible gases as claimed. The Ito structure does not disclose any ability to operate satisfactorily in a combustible gas atmosphere, but with liquid foam use only. The gas seal element is missing.

Two new rejections of claims based on Ridenour and two new references are believed to have similar issues, particularly in light of the enclosed amendment. None of these references have an integral seal as has been argued by the Examiner. In fact, the Examiner specifically identified O-ring seals to be the “integral seal” at issue. (84 in Kuiken and 36 in Kachergis). An O-ring is not an integral seal as would be well known by those of ordinary skill in the art.

With the amendments to the claims Hinchman does not anticipate or render obvious the claims as affected. Furthermore, combining Ridenour with the various liquid based nozzles does not provide a proper obviousness rejection for an integral gas seal as claimed. Accordingly, allowance of all the pending claims are respectfully requested.

Respectfully submitted,

Date: September 11, 2008

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**** VERSION SHOWING CHANGES MADE ****

APPENDIX A

1. (Currently Amended) An adjustable gas nozzle comprising, in combination:
 - a nozzle body member having an elongated passageway therethrough with an inlet opening at a first end and an outlet at a second end;
 - a conduit connected to the nozzle body member;
 - an adjusting member disposed intermediate the conduit and the nozzle body member and having a first end with a first restricted orifice disposed proximate to the second end of the nozzle body member, and a second end having a second orifice, said first and second ends having a first passageway intermediate thereto providing fluid communication intermediate the first restricted orifice and the second orifice;
 - a coupling between said conduit and said nozzle body member to permit first and second alternative positions therebetween;
 - a by-pass passageway around the first passageway of the adjusting member and said first restricted orifice;
 - cooperative surfaces in said first position to seal between said body member and said adjusting member to close off flow through said by-pass passageway to permit a first gas flow through the first restricted orifice and second orifice in series so that gas flow rate is regulated by said first restricted orifice;
 - cooperating means associated with said adjusting member and said conduit upstream of said cooperating surfaces for limiting the displacement of said nozzle body member relative to said conduit in said first position;
 - said nozzle body member being moveable into said second position relative to said conduit to relieve the seal between the said body member and said adjusting member to permit a second gas flow of an amount greater than said first gas flow through the combination of said first restricted orifice and said by-pass passageway wherein flow through the by-pass passageway does not flow through the first passageway and said cooperating surfaces are spaced apart in the second position; and
 - a seal distinct of the coupling provided between said conduit and said nozzle body member and integral to the conduit precluding leakage of gas therebetween in both the first and second positions; and
 - wherein the first position is configured to provide sufficient gas flow for use with propane and the second position is configured to provide sufficient gas flow for natural gas usage for a selected downstream application in which significantly more natural gas would be required than propane for similar performance.

2. (Original) An adjustable gas nozzle as recited in claim 1, wherein said seal comprises ribs on said conduit.
3. (Previously Presented) An adjustable gas nozzle as recited in claim 1, wherein the material of one of said conduit and body member is harder than the other.
4. Canceled
5. (Previously Presented) An adjustable gas nozzle as recited in claim 3, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.
6. (Previously Presented) An adjustable gas nozzle as recited in claim 1, wherein said restricted orifices and said outlet are coaxial, and said first restricted orifice is smaller than the outlet of said nozzle body member.
7. (Previously Presented) An adjustable gas nozzle as recited in claim 1, wherein said cooperating means includes an annular shoulder about an anterior wall of said conduit; and
a plurality of legs elongated longitudinally along the adjusting member spaced longitudinally from the first restricted orifice of said adjusting member and positionable on said annular shoulder, the space between adjacent legs providing the by-pass passageway for gas flow therebetween when said cooperative surfaces are not engaged.
8. (Original) An adjustable gas nozzle as recited in claim 7, wherein said seal comprises ribs on the conduit.
9. (Original) An adjustable gas nozzle as recited in claim 7, wherein the material of one of said conduit and body member is harder than the other.
10. Canceled

11. (Previously Presented) An adjustable gas nozzle as recited in claim 9, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

12. (Original) An adjustable gas nozzle as recited in claim 6, wherein said cooperating means includes an annular shoulder about an anterior wall of said conduit; and

a plurality of legs elongated longitudinally along the adjusting member spaced longitudinally from the outlet of said adjusting member and positionable on said shoulder, the space between adjacent legs providing a passageway for gas flow therebetween when said cooperative surfaces are not engaged.

13. (Original) An adjustable gas nozzle as recited in claim 12, wherein said seal comprises ribs on the conduit.

14. (Original) An adjustable gas nozzle as recited in claim 13, wherein the material of one of said conduit and body member is harder than the other.

15. Canceled

16. (Previously Presented) An adjustable gas nozzle as recited in claim 14, wherein the seal is located intermediate the coupling and the outlet of the nozzle body member.

17. (Currently Amended) An adjustable gas nozzle comprising, in combination:

a nozzle body member having an elongated passageway therethrough receiving combustible gases therethrough with an inlet opening at a first end and an outlet at a second end;

a conduit connected to the nozzle body member;

an adjustment member disposed intermediate the conduit and the nozzle body member and having a first non-adjustable restricted orifice at ~~the~~ a terminal end of the adjustment member proximate to the second end of the nozzle body member;

a coupling between said conduit and said body member to permit first and second alternative positions therebetween;

a by-pass passageway around the adjusting member and said first restricted orifice;

cooperative surfaces in said first position to seal between said body member and said adjusting member to close off flow through said by-pass passageway to permit a first gas flow through the first restricted orifice so that gas flow rate is regulated by said first restricted orifice;

cooperating means associated with said adjusting member and said conduit upstream of said cooperating surfaces for limiting the displacement of said nozzle body member relative to said conduit in said first position;

said nozzle body member being moveable into said second position relative to said conduit to relieve the seal between the said body member and said adjusting member to permit a second gas flow of an amount greater than said first gas flow through the combination of said first restricted orifice and said by-pass passageway; and

an integral seal distinct from the coupling provided between said conduit and said nozzle body member to preclude leakage of gas therebetween in both the first and second positions.

18. (Previously Presented) An adjustable gas nozzle as recited in claim 17, wherein said seal comprises ribs on said conduit.

19. (Previously Presented) An adjustable gas nozzle as recited in claim 18, wherein the material of one of said conduit and body member is harder than the other.

20. (Previously Presented) An adjustable gas nozzle as recited in claim 19, wherein said conduit has an end and said seal is disposed intermediate the coupling and the end of the conduit.

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-noun

1. the last part or extremity, lengthwise, of anything that is longer than it is wide or broad: *the end of a street; the end of a rope.*
2. a point, line, or limitation that indicates the full extent, degree, etc., of something; limit; bounds: *kindness without end; to walk from end to end of a city.*
3. a part or place at or adjacent to an extremity: *at the end of the table; the west end of town.*
4. the furthestmost imaginable place or point: *an island at the very end of the world.*
5. termination; conclusion: *The journey was coming to an end.*
6. the concluding part: *The end of her speech had to be cut short because of time.*
7. an intention or aim: *to gain one's ends.*
8. the object for which a thing exists; purpose: *The happiness of the people is the end of government.*
9. an outcome or result: *What is to be the end of all this bickering?*
10. termination of existence; death: *He met a horrible end.*
11. a cause of death, destruction, or ruin: *Another war would be the end of civilization.*
12. a remnant or fragment: *mill end; ends and trimmings.*
13. a share or part in something: *He does his end of the job very well.*

14. *To finish a course of study or a project; to complete.*